

EXHIBIT D

MICHAEL BANDEMER
MOOG vs SKYRYSE, INC.

May 26, 2023

1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MOOG, INC.,)	
)	Case No.
Plaintiff,)	2:22-cv-09094
)	GW-MAR
vs.)	
)	
SKYRYSE, INC.; ROBERT ALIN)	
PILKINGTON; MISOOK KIM, and)	Page 1-126
DOES NO. 1-50,)	
)	
Defendants.)	
)	
<u>SKYRYSE, INC; ROBERT ALIN</u>)	
<u>PILKINGTON; MISOOK KIM, and</u>)	
<u>DOES NO. 1-50,</u>)	
)	
Counterclaimant,)	
)	
vs.)	
)	
MOOG, INC.,)	
)	
Counterdefendant.)	

REMOTE VIDEOTAPED DEPOSITION OF MICHAEL BANDEMER
TAKEN ON
FRIDAY, MAY 26, 2023

Reported by:
BRENDA R. COUNTZ, RPR-CRR
CSR NO. 12563
Job No. J9728075

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Remote Videotaped deposition of
MICHAEL BANDEMER taken via Zoom or teleconference
in Los Angeles, California, on Friday, May 26,
2023, before Brenda R. Countz, CSR No. 12563.

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1 APPEARANCES OF COUNSEL:

2 (All counsel and participants present
3 via Zoom and/or teleconference.)
4

5 FOR THE PLAINTIFF AND COUNTER-DEFENDANT
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24 ALSO PRESENT:

25 ANY CELIS, Videographer

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1 from Moog to Skyryse?

2 A. That's my understanding.

3 Q. And what were you asked to analyze with
4 respect to Reid Raithel?

5 A. With Reid, it was primarily information
6 surrounding his use of a USB drive.

7 Q. You say information surrounding his use
8 of a USB drive. If I look at paragraph 51 of
9 Mr. Raithel's declaration, you identify two
10 different USB drives, correct, USB 1 and USB 2?

11 A. Correct.

12 Q. Which USB drive were you asked to
13 analyze?

14 A. I don't know what you mean by that.
15 Mr. Pixley referred to two of them.

16 Q. When I asked you just now about what
17 you were asked to do with respect to Reid
18 Raithel, you said that you were asked to analyze
19 his activity with respect to a USB drive.

20 So I'm just trying to confirm, were you
21 asked to analyze one of the two USB drives or
22 were you asked to analyze his usage with both?

23 A. I guess in the larger context, both.

24 Q. Did you review an image or file log for
25 USB 2 in the course of your analysis?

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1 from Mr. Raithel's Moog laptop indicates that
2 over 27,000 files were copied to USB 2."

3 Do you see that?

4 A. Yes.

5 Q. Did you search on Mr. Raithel's Skyryse
6 laptop for each of the 27,000 files that were
7 copied on USB 2?

8 A. I'm sorry, say again? What was that?

9 MS. ANDOH: Ms. Countz, could you
10 please repeat the question.

11 (The record was read by the reporter.)

12 THE WITNESS: No.

13 BY MS. ANDOH:

14 Q. Did you look at any transfers that
15 Mr. Raithel made, beyond the ones that were
16 identified in the Pixley declaration?

17 A. I'm not sure what you are referring to.

18 Q. Are you aware of Mr. Pixley's
19 declaration?

20 A. I am.

21 Q. You just said that you didn't look at
22 all 27,000 files to see if they were on
23 Mr. Raithel's laptop.

24 I'm now asking you did you search for
25 any files that were on the USB 2 drive, other

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1 A. Correct.

2 Q. So how do you know that the logs
3 contain no indication that a device like CF
4 1798654321 was ever connected to Mr. Raithel's
5 Skyryse laptop?

6 THE WITNESS: I'm sorry, someone else
7 was saying something. I don't know if that was
8 Russ or somebody else. If so, I didn't hear him.

9 MR. MANGAS: No, I didn't say anything.

10 MS. ANDOH: Ms. Countz, could you
11 please reread the question? Thank you.

12 (The record was read by the reporter.)

13 THE WITNESS: Because I reviewed the
14 logs.

15 BY MS. ANDOH:

16 Q. Okay. So do you know whether the logs
17 contain any indication that 8073E7654321 was ever
18 connected to Mr. Raithel's Skyryse laptop?

19 A. There was never a device connected to
20 the laptop as per these logs that was of the same
21 volume size as the ones that Mr. Pixley
22 identifies.

23 Q. Did you look for any devices other than
24 the two that Mr. Pixley identified?

25 A. I'm not sure what you mean by that. I

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1 looked at all the logs.

2 Q. I'm not asking about the logs.

3 Did you look in the daily out logs to
4 see if there was evidence of any device other
5 than the two devices Mr. Pixley reviewed?

6 MR. MANGAS: Objection. I'm sorry,
7 Mike. Give me one second.

8 Objection, outside the scope. To the
9 extent you are asking him to give other than the
10 contents of the report, I think it's outside the
11 scope.

12 MS. ANDOH: I'm not. I'm asking him
13 whether he reviewed them in connection with this
14 declaration.

15 MR. MANGAS: Sorry, let me state my
16 objection.

17 Mr. Bandemer's opinion is limited to
18 whether USB 2 was ever connected. So I think to
19 the extent you are asking him about connections
20 other than USB 2, it's outside the scope. So I'm
21 lodging that objection.

22 Mr. Bandemer, if you can answer the
23 question, you can go ahead and answer it.

24 THE WITNESS: Madam Court Reporter, if
25 you could repeat the question, please.

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1 (The record was read by the reporter.)

2 THE WITNESS: So given all the
3 objections and everything here, what I can say is
4 I looked through all of the logs to identify
5 whether or not a device like USB 2 was connected,
6 and it was not.

7 BY MS. ANDOH:

8 Q. Isn't it true that materials could have
9 been transferred from USB 2 to another device
10 that was then connected to Mr. Raithel's laptop?

11 MR. MANGAS: Objection to form.

12 THE WITNESS: So I need to ask you to
13 clarify. What is the question?

14 MS. ANDOH: Ms. Countz, can you please
15 read the question back?

16 (The record was read by the reporter.)

17 THE WITNESS: So you're saying outside
18 of the scope of this laptop?

19 BY MS. ANDOH:

20 Q. No. What I asked you was --

21 A. I mean this device was -- based on
22 these logs, this device was not plugged into this
23 laptop. So I don't know what context you are
24 giving me for this question.

25 Q. In preparing this opinion, did you

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1 check to see whether the files that were on USB 2
2 were transferred in any way onto Mr. Raithel's
3 Skyryse laptop?

4 A. What I did was I looked at evidence of
5 the thumb drive or external drive being
6 connected.

7 Q. Okay. Please turn to paragraph 16 of
8 your declaration.

9 MS. ANDOH: Actually, before we do
10 that, we've been going for about an hour. Why
11 don't we take a break for about five minutes and
12 then we can go back. This is a good time to do
13 that.

14 MR. MANGAS: Okay.

15 THE WITNESS: What time do you want to
16 be back on?

17 MS. ANDOH: It's five past right now so
18 why don't we say ten past?

19 MR. MANGAS: Okay.

20 THE VIDEOGRAPHER: This marks the end
21 of media number 3. The time is 9:04. We are off
22 the record.

23 (Break taken.)

24 THE VIDEOGRAPHER: This marks the
25 beginning of media number 4. The time is 9:14

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1 a.m. We are on the record.

2 BY MS. ANDOH:

3 Q. Mr. Bandemer, I'm going to refer you to
4 page 5 of your declaration which is paragraph 16.

5 A. Okay.

6 Q. You say in the first sentence: "I
7 attempted to recover the 277 files identified by
8 FTI in June 2022."

9 Do you see that?

10 A. Yes.

11 Q. When did you make this attempt to
12 recover them?

13 A. Are you asking me for a date?

14 Q. I'm asking for an approximate date.

15 A. Earlier this year.

16 Q. So sometime in 2023?

17 A. Yes.

18 Q. Did you use an E01 to conduct your
19 review of the deleted files?

20 A. Yes.

21 Q. And what is an E01?

22 A. It's an image -- it's a forensic image
23 container.

24 Q. And when you say it's a forensic image
25 container, it contains a complete forensic image

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1 specific because your question is unclear as to
2 what you are asking me. I just asked for a
3 clarification and you didn't refer to it. You
4 need to be more specific.

5 Q. Did you review the file names of these
6 3,299 files to see if the file names were
7 consistent with the Atmel microcontroller
8 product?

9 A. I reviewed the folder generally.

10 Q. What do you mean by reviewed the folder
11 generally? What steps did you take?

12 A. Well, I browsed the directory.

13 Q. And what did you find when you browsed
14 the directory?

15 A. That it was all consistent with the
16 folder description of Atmel microcontroller.

17 Q. And when you say you browsed the
18 folder, did you read every one of the file names?

19 A. So you have to realize in forensics
20 this is not E-discovery and when we find
21 information like this, what we're doing here is
22 very standard. We have identified the folder and
23 the contents and we browsed it generally.

24 But did I open 3,299 files? No. Did I
25 find the need to? No. Did everything that I

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1 viewed in that folder appear to be consistent

2 with the rest of the contents? Yes.

3 Q. All right. Your next sentence says:

4 "An additional 9,525 files are found within a

5 CircuitPython folder."

6 Do you see that?

7 A. Yes.

8 Q. And then you say: "My research

9 indicates that CircuitPython is a programming

10 language used to learn code, to code on low-cost

11 microcontroller boards."

12 Do you see that?

13 A. Yes.

14 Q. With respect to the CircuitPython

15 folder, did you also review the folder generally

16 by browsing the directory of the folder?

17 A. Correct.

18 Q. And you did not open each one of those

19 9,521 files specifically to see what they were?

20 A. I'm sorry, are you asking if I opened

21 all of the 9,525 files?

22 Q. Yes.

23 A. I did not.

24 Q. All right. And you go on to say: "An

25 additional 4,137 files are found in a Myardduino

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1 folder."

2 MS. ANDOH: For the court reporter

3 that's M-Y-A-R-D-U-I-N-O.

4 BY MS. ANDOH:

5 Q. Do you see that?

6 A. Are you asking me or the court

7 reporter?

8 Q. No, I'm asking you do you see it?

9 A. Yes.

10 Q. And you say: "Myarduino is a
11 commercially-available third-party platform often
12 used by hobbyists to create electronic projects."

13 Do you see that?

14 A. Is that your question, whether I see it
15 or not?

16 Q. Yes, my question is whether you see it.

17 A. I do.

18 Q. And I just want to confirm that you
19 also reviewed the folder generally from Myarduino
20 which include browsing the directory of the
21 folder but not opening each of the 4,137 files?

22 A. Yes, I browsed it and looked at the
23 content to see if it was consistent with the
24 description of the folder and everything appeared
25 consistent with that.

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1 Q. You next say: "Another 4,327 files are
2 found in an HDHomeRun folder. HDHomeRun is a
3 third-party product designed to allow individuals
4 to watch live and reported television programs on
5 a computer network."

6 Do you see that?

7 A. I do.

8 Q. And I'll ask you the same question.

9 Did you review the folder generally,
10 meaning you browsed the directory of a folder but
11 you didn't open each of the 4,327 files?

12 A. I did not open each of the 4,327 files.

13 Q. And finally, you say that: "Another
14 5,600 files are found in a ballard_driver folder.
15 A driver is a set of instructions that allows the
16 computer to understand how to use a device that
17 is connected to it."

18 Do you see that?

19 A. I do.

20 Q. And the same question. I understand
21 that you reviewed the ballard_driver folder
22 generally and browsed the directory of the folder
23 but did not open each of the 5,600 files?

24 A. I did not open 5,600 files.

25 Q. So if I do some back of the envelope

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1 the contents of these other 12,390 files are,
2 right?

3 A. Well, as I said, it's not a -- what's
4 the best word? So having been involved in a lot
5 of these types of matters, it's not a curated
6 library. A lot of it just appears to be personal
7 mish-mash of materials.

8 I've identified here the major folders
9 that have a large volume of content. The other
10 stuff is a mish-mash of, you know, what appears
11 to be like hobbyist-type files and personal
12 files.

13 So I don't want to say -- I'm sorry, I
14 hadn't finished. Do you want to interject.

15 Q. Go ahead.

16 A. So, I don't want to agree with your
17 representation because that's not exactly true.

18 Q. Okay. So just so that I understand
19 what you are and aren't opining on here, you are
20 not personally opining in this declaration that
21 none of these 12,390 files belong to Moog, right?

22 A. I mean, as I said earlier, I think
23 we've covered this, it's not my task to identify
24 whether something is Moog or Skyryse or something
25 otherwise.

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1 But within my forensic skill, I've
2 identified -- it's standard for me to, you know,
3 take a look at the context, especially in this
4 context, and review -- because Pixley doesn't
5 identify anything specific.

6 So I looked at it generally. And if he
7 wants to point out a specific file or something
8 that he wants to speak to or you all want to
9 speak to, I'm happy to look at that.

10 I'm just talking about generally, all
11 this stuff looks like a bunch of hobbyist-type
12 work. So I'll look to you all to define that
13 further.

14 But to me, it's very common for me to
15 look at a drive and understand the contents
16 generally, based on a curated folder and file
17 content.

18 Q. So sitting here today, are you telling
19 me that it's your opinion that none of the 39,278
20 files that we're discussing belong to Moog?

21 A. Again, I'm not sure what I could add to
22 my prior answer other than to say that I've
23 discussed and written in my declaration exactly
24 what I did and it's within the scope of my work.

25 It's not reasonable within a forensic

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1 what line you're on?

2 Q. I'm on paragraph 45, line 15.

3 A. I got that.

4 Q. If you don't talk over me I think you
5 would hear better where I'm directing you.

6 A. Well, actually, you didn't --

7 Q. I did. I specified line 15 four times
8 now and I'm going to do it a fifth.

9 We are on paragraph 45, line 15, and it
10 says: "Mr. Pixley does not specify which, if
11 any, of the 39,278 files contained alleged
12 confidential or proprietary data owned by Moog."

13 Do you see that?

14 A. I do. Thank you for finally directing
15 me to that line.

16 Q. Again, I think if you don't talk over
17 me you will discover that I direct you to these
18 lines.

19 It then goes on, beginning on line 18,
20 to say: "I understand from Mr. Bayer's
21 declaration that these do not appear to be Moog
22 confidential or proprietary information."

23 Do you see that?

24 A. I do.

25 Q. What I don't see between lines 15 and

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1 20 in paragraph 45 is you opining on whether any
2 of these materials are confidential or
3 proprietary data owned by Moog.

4 I just want to be confirm, is that
5 correct, that you are not opining on that?

6 A. Not opining on what?

7 Q. On whether any of these 39,278 files
8 contain alleged confidential or proprietary data
9 owned by Moog?

10 A. Yeah, it's not within the scope of my
11 expertise to make a determination as to whether a
12 particular file and its contents are Moog or
13 Skyryse. And I'm just pointing out that Pixley
14 doesn't specify and does not elaborate on the
15 contents of this material.

16 So it is unreasonable for someone to go
17 open 39,000 files, at least from a forensic
18 standpoint. And so Mr. Pixley doesn't do it and
19 he doesn't specify it and so there's no way for
20 me to respond to it.

21 Because if he had, then I could
22 potentially respond to it but he didn't. And
23 that's what I'm trying to point out there in this
24 paragraph and, as you point out, lines 15 through
25 20.

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1 onto your laptop?

2 A. Not without a record of it.

3 Q. Okay. Did you review system logs to
4 see if there were any records of documents from
5 the USB drive being opened on the laptop?

6 A. Well, that wasn't something reported by
7 Mr. Pixley so that would be outside the scope of
8 Mr. Pixley's declaration.

9 Q. So it was outside the scope of your
10 analysis?

11 A. The issue that was raised was the
12 copying of these files and this particular folder
13 to his laptop. And so I have addressed that
14 here. Mr. Pixley doesn't go beyond that so I'm
15 addressing what it is he stated in his
16 declaration.

17 If there were some kind of concern or
18 evidence in that regard, that I'm sure Mr. Pixley
19 would have brought that to everyone's attention.

20 Q. So you did not analyze, as part of your
21 work for this declaration, how many times that
22 USB drive was plugged into Tri Dao's Skyryse
23 computer, right?

24 A. Again, that's a completely different
25 subject than what I reported on.

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1 Q. I'm just asking you whether you
2 actually performed that analysis as part of your
3 declaration?

4 A. Again, Mr. Pixley doesn't report
5 anything about that, so I don't address that.

6 Q. And in your work for this declaration,
7 you didn't analyze whether any of the documents
8 from that USB were opened on the USB while it was
9 connected to Tri Dao's Skyryse laptop, right?

10 A. Well, let me refer to my report for a
11 second. (Perusing.)

12 So if you refer to paragraph 47, you
13 will see the two files that I identified were
14 opened from the Myarduino folder.

15 Q. But that's from the C drive, right? He
16 opened them from his Skyryse laptop, not from the
17 USB, right?

18 A. Correct, there is no evidence of him
19 opening them from the USB -- I'm sorry, the thumb
20 drive.

21 Q. Did you review his system logs to see
22 whether he had opened files from his USB drive,
23 or did you only look to see if the files from his
24 laptop had been opened?

25 A. No, I reviewed all of the forensic

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1 THE VIDEOGRAPHER: This marks the
2 beginning of media number 6. The timing is 10:57
3 a.m. We are on the record.

4 MS. ANDOH: Thank you.

5 BY MS. ANDOH:

6 Q. So before the break we were talking
7 about the thumb drive that Mr. Dao copied
8 documents onto before his departure from Moog.

9 Do you know whether Mr. Dao e-mailed
10 any files that he copied off of his USB drive?

11 A. I mean, that's not a specific analysis
12 that I addressed. What I'm addressing here is
13 Mr. Pixley who identified these files that were
14 copied to an external drive and then uploaded to
15 what he claims to be Tri Dao's Skyryse computer.

16 So this analysis is unrelated to your
17 question.

18 Q. Do you know whether the USB drive was
19 plugged into any other Skyryse employee's
20 laptops?

21 A. That's not something Mr. Pixley
22 identified and I have not addressed that issue
23 with him.

24 Q. Did you look to see whether Mr. Dao had
25 any transfers from that USB drive, other than the

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1 one that Mr. Pixley identified, to his Skyryse
2 laptop?

3 A. In what sense?

4 Q. Well, you refer to Mr. Pixley's
5 declaration where he opines about a transfer that
6 occurred of 7,679 files.

7 I'm asking whether you did any work to
8 see if there were any other transfers from the
9 USB drive other than that one that Mr. Pixley
10 describes?

11 A. Yeah. I might not be clear on exactly
12 what you're talking about. But Mr. Pixley
13 identifies a transfer. Are you asking whether he
14 should have looked at other devices or did I go
15 beyond the scope of his analysis?

16 I'm not really sure what you are asking
17 about.

18 Q. I'm asking whether you made any attempt
19 to see if there were any transfers other than the
20 one that Mr. Pixley identified.

21 A. What I did is I looked at the
22 connection of that device through a Skyryse
23 computer and evaluated the upload of those files.

24 Q. So you looked at that single
25 transaction of downloading the 7,679 files?

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1 A. Yes. I looked at what Mr. Pixley
2 identified in his declaration and I looked at
3 that.

4 Q. So you did not look at whether there
5 were any other transfers off of that USB drive to
6 the laptop?

7 A. Well, you say that but to where? What
8 is the question, exactly? The transfer is to
9 where?

10 Q. The question is did you
11 identify -- strike that.

12 Did you do any analysis to determine
13 whether there were any downloads from the USB
14 drive to the laptop, other than the one that Mr.
15 Pixley discussed in his declaration?

16 A. Yes.

17 Q. And what was that work that you
18 performed?

19 A. So we looked at the duration of the USB
20 connection information and looked at every file
21 created on the machine during that timeframe.

22 Q. So you looked at the duration of the
23 USB connection on the date that Mr. Pixley
24 identified the transfer occurred?

25 A. Correct.

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1 Q. And did you look to see whether the USB
2 was connected at any other time?

3 A. I'm sure that Mr. Pixley, if that were
4 the state of things, would have identified that.
5 And so he didn't.

6 And so the primary focus of Mr.
7 Pixley's analysis is related to this USB device
8 and these 7600 files which we were able to
9 confirm and you can see my analysis of the
10 contents of those.

11 So there's no other evidence that there
12 was some other interaction.

13 Q. I'm not asking what Mr. Pixley did, I'm
14 asking what you did.

15 I'm asking did you personally look to
16 see whether the USB was connected to the laptop
17 at any time other than the one instance Mr.
18 Pixley put in his declaration?

19 A. Well, that was the focus of our
20 analysis because obviously Mr. Pixley would have
21 done that and he clearly identified an
22 interaction with the files. And so that was the
23 scope of our investigation.

24 Q. Again, you're not answering my
25 question.

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1 Did you look to see whether the USB
2 drive was connected to the Skyryse laptop at any
3 time other than the one download that Mr. Pixley
4 identified?

5 A. Okay, so you're using the word
6 "download" but that's out of context here. So I
7 think you're going to have to rephrase that
8 question to make sure it's clear.

9 Q. Did you look to see if there was any
10 instance other than the one that Mr. Pixley
11 identified in his declaration where the USB drive
12 was connected to the laptop?

13 A. I'm not sure how to answer this any
14 differently. We looked at the connection about a
15 particular device and it was approximately, what,
16 three or four minutes. And we looked at
17 everything that was created on the computer
18 during that timeframe.

19 Q. Mr. Bandemer, you've already discussed
20 your analysis of the instance that Mr. Pixley
21 describes.

22 Again, I'm asking you whether you
23 personally conducted any analysis to determine
24 whether the USB drive was connected to the laptop
25 at any point in time other than the one instance

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1 described in Mr. Pixley's declaration?

2 A. Yeah. I can't recall. Obviously we
3 are focused on that because that's what Mr.
4 Pixley identifies. But we did not observe any
5 other uploads. If we had, we would have reported
6 on it.

7 Q. So you can't recall whether you
8 performed that analysis or not?

9 A. Not that I can't recall. What I'm
10 saying is there was no reportable incidents there
11 and there is nothing outside of the scope of what
12 Mr. Pixley identified that we found to report on.

13 Q. You just said that you can't recall
14 whether there were any instances. Now you are
15 saying that there weren't?

16 MR. MANGAS: Objection to form.

17 THE WITNESS: What I'm saying is Mr.
18 Pixley reported on a particular incident and
19 we've investigated that incident and we observed
20 when this USB was connected.

21 There were no other connections that we
22 had to report on.

23 BY MS. ANDOH:

24 Q. Do you have an opinion as to where the
25 39,000-plus files on the USB drive originally

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1 USB connected device.

2 Q. So the Ivanti log -- let me try to
3 paraphrase this just so we are on the same
4 page -- is a log that essentially shows
5 connections of external devices to a computer
6 that is on its system?

7 A. In part, yes.

8 Q. And you reviewed the Ivanti log for Tri
9 Dao that was produced that showed his connection
10 activity in connection with his Moog computer,
11 correct?

12 A. Well, I reviewed it for purposes of
13 confirming what Mr. Pixley had identified.

14 MS. ANDOH: All right. I'm going to
15 drop a native version of the Ivanti log into the
16 chat because I think it's going to be much easier
17 for you to use than a PDF version, which is
18 basically unintelligible.

19 It says Exhibit 7 but it's actually
20 going to be marked as Exhibit 4, just for the
21 record.

22 THE WITNESS: (Perusing.)

23 (Bandemer Exhibit 4, Native

24 Version of the Ivanti Log, was

25 marked for identification.)

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1 the record it will be Exhibit 4 but we can just
2 refer to it as the Tri Dao Ivanti log, okay?

3 A. Okay.

4 Q. So the thing that I would like to ask
5 you first is how many devices are represented on
6 this log?

7 A. Well, it would be any device that he's
8 connected to his computer is going to get
9 recorded by Ivanti.

10 Q. And if I were to ask you on this log
11 what column shows me what device is being
12 connected at what time, what letter column would
13 that be?

14 A. Sorry, you cut out there for a second
15 but I think you asked me what column displays the
16 device name, and that's column E.

17 Q. The column called "Display Name",
18 correct?

19 A. Correct.

20 Q. So I just want you to confirm by
21 clicking on the filter that there are four
22 different devices that are represented by this
23 log, is that right?

24 A. Correct.

25 Q. And I just want to confirm that of

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1 those four devices, your declaration only focuses
2 on one of those four devices, correct?

3 A. Well, it focuses on the device that the
4 transfer occurred on and Mr. Pixley identifies in
5 his declaration.

6 Q. Okay. And that transfer occurred from
7 a single device, right?

8 A. Correct.

9 Q. So there are three other devices that
10 are listed on this Ivanti log that you did not
11 investigate?

12 A. Well, I don't think that's a proper
13 characterization. Mr. Pixley clearly identifies
14 the transfer that's in question and we
15 investigated that.

16 There's no other transfers that have
17 been identified to investigate.

18 Q. So just so that we are clear, you did
19 not look in Tri Dao's Skyryse laptop logs to see
20 whether any of these other devices had been
21 connected?

22 A. That's not true.

23 Q. So what other of these four devices did
24 you investigate with respect to connections to
25 Tri Dao's Skyryse laptop?

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1 rephrase that question because that's not what I
2 said.

3 Q. I'm asking you my question.

4 Did you review every connection to Tri
5 Dao's laptop for the duration of Mr. Dao's
6 employment with Skyryse?

7 A. So, we looked at the connection history
8 that's in this log and we were able to confirm
9 what it is Mr. Pixley said. Even though he
10 didn't specifically identify in his declaration,
11 we were able to recreate it and that's what we've
12 reported on.

13 I'm not really sure what you're asking
14 beyond that.

15 Q. Okay. So let's take down the Ivanti
16 log. We're done with this. No exhibit is up and
17 we're just talking about Tri Dao's Skyryse laptop
18 now, okay?

19 And the question that I'm asking you is
20 did you investigate every single connection that
21 was made from an external device to Tri Dao's
22 Skyryse laptop for the duration of his employment
23 at Skyryse?

24 A. That's actually a different question.

25 So I think it's pretty clear from my

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1 declaration, we investigated what Mr. Pixley had
2 identified in terms of a connection and an upload
3 and that's what we further examined.

4 Q. Okay, so you didn't?

5 MR. MANGAS: Objection to form.

6 BY MS. ANDOH:

7 Q. Let's move on to your paragraph 49.

8 A. I'm sorry, what paragraph?

9 Q. Sorry, hold on one second. Paragraph
10 49, page 14, line 13.

11 A. Okay.

12 Q. You refer in paragraph 49 to 11 Excel
13 spreadsheets that Mr. Pixley located on Eric
14 Chung's Skyryse-issued computer.

15 Do you see that?

16 A. I do.

17 Q. And then in paragraph 50 in the first
18 sentence on line 18 you say: "In Mr. Bayer's
19 declaration he analyzes several Zip files from
20 Eric Chung's Moog laptop."

21 Do you see that?

22 A. I do.

23 Q. And I was personally confused by these
24 two paragraphs so I just want some clarification.

25 Are you trying to say that the 11 Excel

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1 STATE OF CALIFORNIA) SS

2 COUNTY OF LOS ANGELES)

3 I, BRENDA R. COUNTZ, Certified Shorthand
4 Reporter No. 12563 for the State of California,
5 do hereby certify:

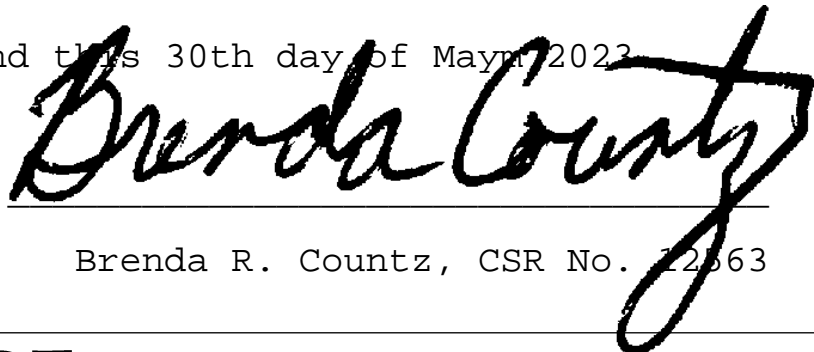
6 That prior to being examined, the
7 witness named in the foregoing deposition was
8 duly sworn to testify the truth, the whole truth,
9 and nothing but the truth;

10 That said deposition was taken down by
11 me in shorthand at the time and place therein
12 named and thereafter transcribed and that the
13 same is a true, correct, and complete transcript
14 of said proceedings.

15 Before completion of the deposition,
16 review of the transcript [] was [] was not
17 requested. If requested, any changes made by the
18 deponent during the period allowed are appended
19 hereto.

20 I further certify that I am not
21 interested in the outcome of the action.

22 Witness my hand this 30th day of May, 2023

23 
24
25

Brenda R. Countz, CSR No. 12563